From the beginning the courts have been in conflict on this point. See 1 MICH. L. REV. 414. Many States hold with the principal case that the statute abolishes the assumption of risk by implication. *Stephenson* v. *Sheffield Brick and Tile Co.*, 151 Iowa 371, 130 N. W. 586; *Rivers* v. *Bay City Traction and Electric Co.*, 164 Mich. 696, 128 N. W. 254; *Dukette* v. *Northwestern Woodenware Co.*, 61 Wash. 95, 111 Pac. 1065; *Waschow* v. *Kelley Coal Co.*, 245 Ill. 516, 92 N. E. 303; *St. Louis, Iron Mountain & Southern Ry. Co.* v. *White*, 93 Ark. 368, 125 S. W. 120; *Lewis* v. *Barton Salt Co.* 82 Kan. 163, 107 Pac. 783; *Welsh* v. *Barber Asphalt Paving Co.* 167 Fed. 465. Other States hold that the maxim *"Volunti non fit injuria"* can be invoked unless the statute expressly prohibits it, as statutes in derogation of the common law must be strictly construed; *Monson* v. *LaFrance Copper Co.*, 43 Mont. 65, 114 Pac. 778; *Gombert* v. *McKay*, 201 N. Y. 27, 94 N. E. 186; *Willette* v. *Rhinelander Paper Co.*, 145 Wis. 537, 130 N. W. 853; *Simoneau* v. *Rice & Hutchins*, 202 Mass. 82, 88 N. E. 433. In some jurisdictions assumption of risk by an employee when there has been a breach of statutory duty by the employer is expressly abolished. OHIO CODE § 6243; MISS. CODE OF 1906; N. C. REVISAL OF 1905, § 2646; 6 FED. ST. ANN, 756. Reason and the trend of recent decisions seem to be in accord with the principal case. The statutes, being for the benefit of the employee will become inoperative if the employer can excuse himself from his statutory duty by the plea that the danger was so obvious that the injured employee ought to have been aware of it.

MASTER AND SERVANT—SAFE PLACE TO WORK.—Plaintiff's husband was an employee of a sub-contractor and was fatally injured by falling through a hole in one of the upper floors of a building in which he was working. Defendant was a contractor in charge of the general construction of the building and hired the employer of the deceased to do the painting. *Held*, a general contractor is under the duty to provide a reasonably safe place to work for the employees of a sub-contractor engaged in the general prosecution of the work, as well as for his own employees. *Metzger* v. *Cramp & Company* (Pa. 1912) 83 Atl. 590.

The court cites no authority for its decision and but few similar cases have been found. A contractor has been held to owe no duty of furnishing a safe place to work to the employees of a sub-contractor in a case where the latter was employed to raise the road-bed of a railroad and the injury was caused by the company's engine striking a rock which was thrown against the employee (*Reilly* v. *Chicago & Northwestern Ry. Co.*, 122 Ia. 525, 98 N. W. 464); and in a case where the independent contractor was employed to load slack and the injury was caused by the falling of a piece of slack (*Branstrator* v. *Keokuk & W. Ry. Co.*, 108 Ia. 377, 79 N. W. 130). In analogous cases the owners of real property were held to owe no such duty: *Callan* v. *Pugh*, 66 N. Y. Suppl. 1118; *Engel* v. *Eureka Club*, 137 N. Y. 100. On the other hand the contractor has been held liable because the place in which the employee of a sub-contractor was working was not safe; as in a case where he had not put in the shoring for a building (*Nelson* v. *Young*, 87 N. Y. Suppl. 69); and in a case where the sides of a sewer caved in upon

the sub-contractor's employees (*Johnson* v. *Ott Brothers,* 155 Pa. 17). And in an analogous case the owner of a ship was held liable for the unsafe condition of the ship, *Perkins* v. *Furness, Withy & Co.,* 167 Mass. 403. A reasonable and logical method of determining upon whom the duty rests would be to place the duty upon the person in control of the place where the work was being carried on. Applying this test all of the above cases can be reconciled, the duty of providing the safe place to work in each case being upon the person in charge and control of the place where the work is being done. Under this test the conclusion of the court in the principal case is correct, but the language used in the decision is probably too broad.

MASTER AND SERVANT—SAFE PLACE TO WORK—QUARRIES.—Plaintiffs intestate was employed as a driller in the defendant's quarry, and was fatally injured by a loosened rock falling upon him from a bank or cliff above the place where he was working. *Held,* the general rule which obliges the master to furnish his servant a reasonably safe place to work does not apply to a quarry. *Miller* v. *Berkeley Limestone Co.* (W. Va. 1912) 75 S. E. 70.

The decision in the principal case is based upon the exception that the master is not under duty to keep the working place safe, when the very work which the servant is employed to perform changes the condition of the place and makes it more or less dangerous as the work advances. The cases to which this exception is most usually applied are those involving the various kinds of construction work. 2 LABATT, MASTER AND SERVANT 588 and cases cited. The great majority of the recent cases on the point do not place quarry work within this exception. Some of the cases hold that where a servant is employed in a mine, quarry, tunnel, etc., the master must use reasonable care to make his place of work as reasonably safe as the nature of the work permits. *Millen* v. *Pacific Bridge Co.,* 51 Ore. 538, 95 Pac. 196; *Brown* v. *Sharp-Hauser Contracting Co.,* 159 Cal. 89, 112 Pac. 874; *Schoenherr-Walton Mining Co.,* 136 Mo. App. 376, 117 S. W. 695. Other cases hold that it is the duty of the master conducting a quarry to provide his employees a reasonably safe place to work, and to this end it is his duty to inspect the wall as often as it is necessary to prevent injuries from falling rock or other substances. *Alabama Consolidated Coal & Iron Company* v. *Hammond,* 156 Ala. 253, 47 South. 248; *Roberts* v. *Jones,* 156 Mo. App. 552, 137 S. W. 639; *Maloney* v. *Winston Bros. Co.,* 18 Idaho 740, 111 Pac. 1080. The danger from loosened rocks being one which is not caused by the negligence or lack of skill of the workman, and one which the master can avoid by the use of reasonable care, there seems to be no reason why it should be the basis for an exception to the general rule.

MUNICIPAL CORPORATIONS—EXEMPTION OF SCHOOL PROPERTY FROM SPECIAL ASSESSMENT UNDER STATUTORY EXEMPTION FROM TAXATION DENIED.—An ordinance of plaintiff city created special improvement districts for constructing sewers, etc., which districts included property belonging to defendant school district. Defendant resisted the efforts of the city to collect any portion of the cost of these improvements assessed against it, relying on Mont. Const. Art. 12 § 2 and Rev. Codes, § 2499, which in terms exempt from taxa-